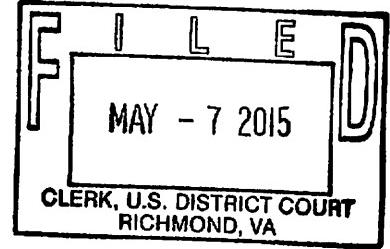


IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division



**JOHN DAVID McBRIDE,**

Plaintiff,

v.

Civil Action No. **3:14CV487**

**VIRGINIA DEPARTMENT OF CORRECTIONS, et al.,**

Defendants.

**MEMORANDUM OPINION**

Plaintiff, a Virginia inmate proceeding *pro se* and *in forma pauperis*, filed this 42 U.S.C. § 1983 action. In order to state a viable claim under 42 U.S.C. § 1983, a plaintiff must allege that a person acting under color of state law deprived him or her of a constitutional right or of a right conferred by a law of the United States. *See Dowe v. Total Action Against Poverty in Roanoke Valley*, 145 F.3d 653, 658 (4th Cir. 1998) (citing 42 U.S.C. § 1983). In his current Complaint, Plaintiff does not identify the particular constitutional right that was violated by the defendants' conduct. Accordingly, by Memorandum Order entered on February 24, 2015, the Court directed Plaintiff to submit a particularized complaint within fourteen (14) days of the date of entry thereof. The Court warned Plaintiff that the failure to submit the particularized complaint would result in the dismissal of the action. Thereafter, by Memorandum Order entered on March 16, 2015, the Court granted Plaintiff an extension of eleven (11) days from the date of entry thereof to file a particularized complaint.

More than eleven (11) days have elapsed since the entry of the March 16, 2015 Memorandum Order. Plaintiff failed to submit a particularized complaint. Accordingly, the action will be DISMISSED WITHOUT PREJUDICE.

An appropriate order will accompany this Memorandum Opinion.

Date: 5-6-15  
Richmond, Virginia

/s/  
James R. Spencer  
Senior U. S. District Judge